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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : MICHAEL SCHWABE ET AL.  
SERIAL NO. : 10/715,764  
FILED : NOVEMBER 18, 2003  
FOR : MEASURING GRADUATION FOR A  
POSITION MEASURING SYSTEM  
EXAMINER : REENA AURORA GROUP: 2862

Mail Stop **Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

This is a response to the Office Action dated October 17, 2005, in which the Examiner rejected claims 1-12, 17 and 19-26 as being anticipated by prior art and indicated that claims 13-16 and 18 would be allowable upon being rewritten in independent form to include all of the limitation of the base claim and any intervening claims.

The Examiner's indication of the allowability of claims 13-16 and 18 is noted and appreciated. However, applicants believe that rewriting claims 13-16 and 18 in independent form is not necessary as they depend, directly or indirectly, on a claim, claim 1, earnestly believed to be patentable over the prior art.

Please amend the above-identified application as follows: